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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,867	03/18/2004	Steven M. Nielsen	59622US002	7666

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EXAMINER

BRUENJES, CHRISTOPHER P

ART UNIT PAPER NUMBER

1772

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/804,867

**Applicant(s)**

NIELSEN ET AL.

**Examiner**

Christopher P. Bruenjes

**Art Unit**

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,9-14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,9-14,16 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

**WITHDRAWN REJECTIONS**

1. The objection to the specification of record in the Office Action mailed January 24, 2006, Page 2 Paragraph 3, have been withdrawn due to Applicant's amendments in the Paper filed April 18, 2006.

2. The 35 U.S.C. 112 rejections of claims 9-10 of record in the Office Action mailed January 24, 2006, Page 3 Paragraph 4, have been withdrawn due to Applicant's amendments in the Paper filed April 18, 2006.

***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-4, 9-14, 16, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen et al (US 2002/0106486 A1).

Regarding claims 1 and 21, Nielsen et al anticipate a roll-up sign comprising a viewing surface and non-viewing surface wherein the viewing surface comprises retroreflective sheeting

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having backing (Figure 6 and p.3, paragraphs 25 and 27). The sign further comprises a non-viewing surface comprising at least one pocket (reference number 60, Figure 6). A tear resistant film is disposed on the non-viewing surface (p.3, paragraph 28).

Therefore, the backing comprises a tear resistant film.

Further, the pockets are formed from tear resistant film (p.6, paragraph 48), and the tear resistant film is described as flexible and is bonded to the retroreflective layer by melt bonding or adhesive bonding (p.6, paragraph 47). Therefore, a pair of unstitched bonds that form an enclosure having at least one opening there between defines the pocket. Regarding claim 2, the sign is flexible such that the sign can be wrapped around a mandrel having a diameter of about  $\frac{1}{2}$  inch at 25°C without visible cracking (p., paragraph 9). Regarding claims 3 and 4, the unstitched peripheral bonds are melt bonded or adhesive bonded (p.6, paragraph 47). Regarding claims 9 and 10, the backing is formed from a tear resistant film so the backing is a polymeric film (p4, paragraph 34), therefore the substrate does not require a fabric whether that fabric is coated or not.

Regarding claims 11 and 12, the sign is quadrilateral having four corners with pockets in the corners (Figure 6). Regarding claim 13, the article is free of stitched bonds because it teaches bonding by welding and does not mention bonding by

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stitching. Regarding claim 14, the article further comprises a support removably attached to the sign by means of the pocket (p.2, paragraph 20). Regarding claims 15 and 16, Nielsen et al anticipate a flexible article comprising a viewing surface wherein at least a portion thereof is retroreflective and comprises indicia or graphics and at least one pocket comprised of a flexible substrate wherein the pocket is defined by a pair of unstitched bonds that form an enclosure having at least one opening there between (Figure 6, and the arguments presented above with regard to claim 1).

5. Claims 1-4, 9-11, 13-14, 16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Slood (US 2002/0098312 A1).

Regarding claims 1 and 21, Slood anticipates a sign comprising at least one pocket (Figures 7 and 12). Note the limitations, "sign" and "pocket", are given their broadest reasonable interpretations. In this case, the broadest reasonable interpretation of "sign" is an article that displays information, in this case safety information by providing a reflective vinyl strip (p.1, paragraph 12). The broadest reasonable interpretation of "pocket" is as it is defined in the claim as a flexible substrate defined by a pair of unstitched

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bonds that form an enclosure having at least one opening there between, which is anticipated by the mitt of Figure 7 and the bag of Figure 12. The entire article is formed by unstitched bonds (p.1, paragraph 13). The viewing surface comprises retroreflective sheeting (p.2, paragraph 40). The non-viewing surface or interior of the bag or mitt comprises a backing and the flexible substrate consists of the backing since the fabric forming the mitt or bag is the flexible substrate and backing of the sign. The pocket is present throughout the entire article since the article is one giant pocket. Therefore, the pocket is present on the non-viewing surface and is comprised of the backing. Regarding claim 2, inherently a mitt and flexible bag can be wrapped around a mandrel having a diameter of about  $\frac{1}{2}$  inch at 25°C without visible cracking since both are flexible and are meant to bend and wrap around objects without cracking. Regarding claims 3 and 4, the unstitched bonds are formed by melt bonding in the fact that the vinyl is melt bonded to form the bond and adhesive bonded in the fact that the vinyl is applied to the fabric layers to act as an adhesive in bonding the two fabric layers together. Regarding claims 9 and 10, the backing is fabric comprising a polymeric coating used to bond the fabrics together (p.2, paragraph 40). Regarding claim 11, the sign is a quadrilateral having four corners (Figure 12).

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Regarding claim 13, the article is free of stitched bonds (p.1, paragraph 13). Regarding claim 14, a hand placed in the mitt is a support removably attached to the sign by means of the pocket. Regarding claims 15 and 16, Sloom anticipates a flexible article comprising a viewing surface wherein at least a portion thereof is retroreflective and comprises indicia or graphics and at least one pocket comprised of a flexible substrate wherein the pocket is defined by a pair of unstitched bonds that form an enclosure having at least one opening there between (p.2, paragraph 40, and the arguments presented above with regard to claim 1).

#### ***ANSWERS TO APPLICANT'S ARGUMENTS***

6. Applicant's arguments regarding the 35 U.S.C. 112 rejections of claims 9 and 10 of record have been fully considered but they are moot since the rejections have been withdrawn.

7. Applicant's arguments regarding the 35 U.S.C. 102 rejections of claims 1-16 and 21 as anticipated by Nielsen and claims 1-11, 13-16, and 21 as anticipated by Sloom have been fully considered but they are not persuasive.

In response to Applicant's argument that the amendments to claim 1 obviate the rejections, see the rejection above.

**Conclusion**

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes


Examiner

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CPB

CPB

May 15, 2006

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

5/17/06